

# **EXHIBIT A**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

LISA BARBOUNIS	:	
	:	
Plaintiff,	:	
-vs-	:	CIVIL ACTION NO. 2:19-cv-05030-JDW
	:	
THE MIDDLE EAST FORUM,	:	
DANIEL PIPES ( <i>individually</i> ),	:	
GREGG ROMAN ( <i>individually</i> ), and	:	
MATTHEW BENNETT ( <i>individually</i> )	:	
	:	
Defendants.	:	

**DECLARATION OF DAVID J. WALTON IN SUPPORT OF  
DEFENDANTS' PETITION FOR ATTORNEYS' FEES AS SET FORTH IN  
THE COURT'S NOVEMBER 13, 2020 ORDER**

In support of the Petition for Attorneys' Fees as Set Forth in the Court's November 13, 2020 Order, the undersigned David J. Walton declares as follows:

1. I am a Shareholder and Chair of Cozen O'Connor's Cyber Solutions and Data Strategies Group, a former chair of the firm's Privacy, Data & Cybersecurity practice, a former Vice-Chair of the firm's Labor and Employment Department. I have more than 25 years of experience, including substantial first-chair trial experience, successfully litigating the full gamut of employment discrimination claims, including class actions and individual claims. My primary substantive focus is labor and employment law and I am a frequent speaker at national conferences on trade secret litigation, digital forensics, e-discovery and cyber law, and have published numerous articles on these topics. I am the lead attorney for the Forum on this matter and my regular hourly rate for matters of this type is \$715 per hour, but my contracted rate on this case is \$340 per hour.

2. Attorney Jonathan R. Cavalier is a member of Cozen O'Connor's Labor and Employment Department with more than 13 years of experience in labor and employment

litigation. He has substantial trial experience, including as first-chair in state and federal jury trials, and was recently named a "BTI Client Service All-Star" - one of only 49 labor and employment lawyers featured on this prestigious, national list based on candid feedback from corporate counsel at nearly 300 Fortune 1000 companies, and which recognizes lawyers who demonstrate superior client focus, have an exceptional ability to understand their client's business, consistently exceed clients' expectations, possess excellent legal skills and depth of knowledge, and deliver outstanding results. Attorney Cavalier holds a J.D. from Temple University Law School and an MBA from Temple's Fox School of Business. Attorney Cavalier represents The Forum and his regular hourly rate for matters of this type is \$500 per hour, but his contracted rate on this case is \$340/hr.

3. Attorney Leigh Ann Benson is an associate in Cozen O'Connor's Commercial Litigation Department with experience representing clients in a wide range of areas including labor and employment. Attorney Benson is an associate editor for TYL, the flagship publication for the Young Lawyer Division of the American Bar Association, and a member of the Young Lawyer Editorial Board of The Legal Intelligencer. Since 2018, Leigh Ann has been a member of the Villanova Law J. Willard O'Brien American Inn of Court. Attorney Benson received her J.D. from Villanova University School of Law and her Bachelor of Arts, magna cum laude, in English from Virginia Tech. Her regular hourly rate for matters of this type is \$400 per hour, but her contracted rate on this case is \$250 per hour.

4. Attorney Joseph Tate is counsel at Cozen O'Connor and director of Electronic Discovery and Practice Advisory Services (ePAS). Attorney Tate leads the firm's eDiscovery efforts, and is responsible for the day-to-day management of a team of attorneys and technologists that handle all phases of the eDiscovery lifecycle. He has extensive experience

leading the eDiscovery element of meet and confer conferences, preparing and negotiating ESI protocols, drafting and responding to discovery motions and requests, and taking and defending depositions of IT personnel and record managers. He also regularly counsels clients and colleagues on complex legal issues related to eDiscovery, the attorney-client privilege and work product doctrine, information governance, and litigation readiness. He is also a member of the leading eDiscovery and information management organizations including the Sedona Conference Working Group 1, ILTA (International Legal Technology Association), and ARMA (Association of Records Managers and Administrators). His regular hourly rate for matters of this type is \$435 per hour, but his contracted rate on this case is \$250 per hour.

5. Attorney Sidney L. Gold is the principal shareholder at Sidney L. Gold & Associates P.C., which has been recognized by the Martindale-Hubbell Bar Register as a preeminent law firm in the field of employment law and civil rights litigation. His practice, as well as that of the law firm, is exclusively concentrated in the representation of both employees and employers in all aspects of employment related litigation in Pennsylvania and New Jersey, including claims under federal and state anti-discrimination laws and federal civil rights laws. He has written extensively on issues of employment discrimination and has authored many articles for the Legal Intelligencer and Pennsylvania Law Weekly, and he serves as an arbitrator and mediator for the U.S. District Court for the Eastern District of Pennsylvania. Attorney Gold represents Mr. Roman and his regular rate for matters of this type is \$500 per hour, but his contracted rate on this case is \$340 per hour.

6. Cozen O'Connor has conducted detailed rate studies indicating that the rates charged by its attorneys generally and the attorneys representing Defendants in this matter are substantially below the median market rates for comparably sized firms in the area. Furthermore,

given the scope and nature of this case and the amount of time required to adequately represent their respective clients, the attorneys above have agreed to represent their clients in this matter at substantially discounted hourly rates. The hourly rates of and the hours billed by the attorneys representing Defendants in this matter pertaining to the Motion to Compel and the hearing at issue are as follows:

David J. Walton: 7.9 hours at \$340/hr

Jonathan R. Cavalier: 3.3 hours at \$340/hr

Leigh Ann Benson: 9.4 hours at \$250/hr

Joseph Tate: 4.4 hours at \$250/hr

Sidney L. Gold: 2.0 hours at \$340/hr

7. The total fees incurred by all Defendants in connection with preparing the subject Motion for Contempt and in preparing for and attending the hearing on that motion are \$7,898.00.

8. True and correct contemporaneous documentation of the substantive hourly entries and detailed billing records supporting the above-incurred time are set forth at Attachment A to this Declaration.

9. Attorney Cavalier spent an additional 3.6 hours drafting the instant fee petition, collecting and analyzing the supporting documentation, performing necessary research, revising the petition and preparing it for filing.

10. Additionally, I spent an additional 1.0 hours reviewing and revising the petition and supporting certifications prior to filing.

11. Thus, if the Court deems it appropriate to award Defendants their attorneys' fees in preparing the instant petition, the total fees incurred by Defendants in connection with its Motion for Contempt are \$9,462.00.

12. The time expended on this matter by the above attorneys in representation of The Forum and Mr. Roman have been and will continue to be timely paid at the listed rates in The Forum's normal course of business.

13. Pursuant to 28 U.S.C. 1746, I attest under penalty of perjury that the foregoing is true and accurate to the best of my knowledge.

Respectfully submitted,

COZEN O'CONNOR

BY: /s/David J. Walton  
David J. Walton (PA #86019)  
One Liberty Place  
1650 Market Street, Suite 2800  
Philadelphia, PA 19103  
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F: 215-665-2013  
dwalton@cozen.com

Dated: November 20, 2020

<b>DATE</b>	<b>TIMEKEEPER</b>	<b>DESCRIPTION</b>	<b>HOURS WORKED</b>	<b>RATE</b>	<b>FEES</b>
11/3/20	D. Walton	Analyze issues re: potential motion for contempt and several communications with L. Benson re: same	1.3	\$340.00	\$442.00
11/3/20	D. Walton	Review and revise motion for contempt	0.9	\$340.00	\$306.00
11/9/20	L. Benson	Draft motion for contempt	4.3	\$250.00	\$1075.00
11/9/20	J. Tate	Perform database searches review and analyze documents in support of Motion for Contempt; review and analyze Barbounis production documents; review and revise draft motion	3.6	\$250.00	\$900.00
11/10/20	L. Benson	Revise draft motion for contempt	3.1	\$250.00	\$775.00
11/10/20	J. Tate	Review and revise motion	0.8	\$250.00	\$200.00
11/10/20	D. Walton	Analyze issues re: motion for contempt and review and revise draft	1.5	\$340.00	\$510.00
11/12/20	D. Walton	Prepare for motion for contempt hearing	1.7	\$340.00	\$578.00
11/13/20	L. Benson	Hearing before Judge Wolson on motion for contempt	1.7	\$250.00	\$425.00
11/13/20	L. Benson	Review and respond to emails re: discovery and hearing on motion for contempt	0.3	\$250.00	\$75.00
11/13/20	J. Cavalier	Prepare for and attend hearing on motion for contempt; conference calls and	3.3	\$340.00	\$1122.00

<b>DATE</b>	<b>TIMEKEEPER</b>	<b>DESCRIPTION</b>	<b>HOURS WORKED</b>	<b>RATE</b>	<b>FEES</b>
		correspondence with clients re same			
11/13/20	D. Walton	Prepare for attend Barbounis contempt hearing	2.0	\$340.00	\$680.00
11/13/20	D. Walton	Barbounis contempt hearing and analysis of strategy issues re: same	0.5	\$340.00	\$170.00
<b>Total</b>					<b>\$7258.00</b>

Date: 11/20/2020

Time: 09:56 am

SIDNEY L. GOLD &amp; ASSOCIATES, P.C.

Client Billing Worksheet

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Nickname 1: Roman

Nickname 2: Gregg

Address: Mr. Gregg Roman

gregg.roman@gmail.com

Phone 1:

Phone 2:

In Reference To: Gregg Roman adv. Lisa Barbounis, et al

742

Last Bill:

Last Charge: 11/20/2020

Last Payment:

Arrangement:

Date /Slip#	Description	HOURS / RATE	AMOUNT	TOTAL
11/20/2020	SLG / Office	2.00	680.00	
15237	For legal services rendered in the matter of Lisa Barbounis v. Middle East Forum, United States District Court for the Eastern District of Pennsylvania, Civil Action No.: 19-5030 and Patricia McNulty v. Middle East Forum, United States District Court for the Eastern District of Pennsylvania, Civil Action No.: 19-5029, including preparation for and attendance at Hearing on Motion for Contempt.	340.00/hr	Office	\$680.00
TOTAL BILLABLE TIME CHARGES		2.00		\$680.00
TOTAL BILLABLE COSTS				\$0.00
TOTAL NEW CHARGES				\$680.00
PAYMENTS / REFUNDS / CREDITS				
NEW BALANCE				\$680.00